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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JERRY CROSS,

Petitioner,

2:17-cv-00290-JCM-VCF

vs.

ORDER

BRIAN WILLIAMS, SR., *et al.*,

Respondents.

_____ /

In this habeas corpus action, brought pursuant to 28 U.S.C. § 2254 by Nevada prisoner Jerry Cross, the Court appointed counsel for Cross. *See* Order entered May 17, 2017 (ECF No. 7). Counsel -- the Federal Public Defender for the District of Nevada -- appeared for Cross on June 6, 2017 (ECF No. 9). The respondents appeared on May 18, 2017 (ECF No. 8). Cross was then granted until September 5, 2017, to file an amended habeas petition. *See* Order entered June 7, 2017 (ECF No. 10).

On July 10, 2017, Cross filed a motion for voluntary dismissal of this action. *See* Motion to Voluntarily Dismiss Petition for Writ of Habeas Corpus (ECF No. 13). Cross' counsel states in the motion that Cross and his counsel agree that it is in Cross' best interests to voluntarily dismiss this action. *See id.* Respondents have not yet answered or otherwise responded to Cross' petition. *See* Fed. R. Civ. P. 41(a) (generally, a plaintiff may voluntarily dismiss an action without a court order

1 before the opposing party serves either an answer or a motion for summary judgment). Therefore,
2 the Court will grant Cross' motion, and will dismiss this action.

3 **IT IS THEREFORE ORDERED** that petitioner's Motion to Voluntarily Dismiss Petition
4 for Writ of Habeas Corpus (ECF No. 13) is **GRANTED**.

5 **IT IS FURTHER ORDERED** that this action is **DISMISSED**.

6 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly.
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8 Dated July 13, 2017.
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11 UNITED STATES DISTRICT JUDGE
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